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OFFICE OF PETITIONS

In re Application of :
Sasaki et al. :
Application No. 10/603,688 : DECISION GRANTING PETITION
Filed: June 26, 2003 :
Attorney Docket No. SON-2768 :

This Office action is in response to applicant's "REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT" timely¹ filed on July 7, 2005 requesting that the Office adjust the calculation from 49 days.

Applicants request for reconsideration of patent term is **GRANTED**. The Office will adjust the PTA calculation in PAIR. In addition, the Office will *sua sponte* issue a certificate of correction reflecting a determination of eighty-five (85) days.

Applicants assert that the determination is in error because the applicants filed the response to the missing parts within three months as required under 37 CFR 1.704(b). Applicants assert that the Office treated the response by applicants as having been filed on January 16, 2004, not December 11, 2003. Accordingly, applicants argue that the thirty-six day reduction is improper.

The applicants arguments are persuasive. Specifically, the file reflects that applicants did file the reply to the notice to file missing parts on December 11, 2003 as suggested by applicants. Accordingly, the applicants did not fail to engage in reasonable efforts to conclude prosecution of the application with their response to such notice. The application does reflect that the Office did not issue the application within four months as required under 37 CFR 1.702(a)(4). Moreover, the file history reflects a one hundred and twenty day delay for the submission of a 312 amendment that is a reduction under 37 CFR 1.704(c)(10). Accordingly, the overall determination at the time of the issuance of the patent application is eighty-five (85).

After payment of the issue fee the application will be forwarded to the certificate of correction branch for a prompt issuance of a certificate of correction.

¹Issue fee paid on 8/5/2005.

The Office has assessed the \$200.00 fee under 37 CFR 1.18(e). No additional fees are required by this decision.

Any questions concerning this decision should be directed to Kery A. Fries, at 571-272-7757.

Kery A Fries
Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

CC Adjusted PAIR calculation
Draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 6,911,844 B2
DATED : Jun. 28, 2005
INVENTOR(S) : Sasaki et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (49) days

Delete the phrase "by 49 days" and insert -- by 85 days--